IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

C.W.P NO. 3047 OF 1980

Date of decision : October 24, 2006

* * * * *

The Managing Committee, .....Petitioner
D.A.V. College of Education, Hoshirarpur

Vs.

Panjab University & others .....Respondents

* * * * *

**CORAM: HON'BLE MR. JUSTICE VINEY MITTAL**
**HON'BLE MR. JUSTICE H.S BHALLA**

Present: None for the petitioner(s).
Mr. B.L Gupta, Advocate for respondent no.1.
Mr. Sukhdip Singh Brar, Additional Advocate General, Punjab for respondents no. 2 & 3.

**Viney Mittal, J. (Oral)**

The main writ petition was disposed of vide judgement dated November 26, 1981 passed by a Division Bench. The matter was taken up in appeal before the Apex Court by the State of Punjab & others. Vide an order dated April 1, 2003, Hon'ble Supreme Court of India has set aside the judgement of the High Court and remitted the matter for fresh consideration in accordance with law. The following order has been passed by the Apex Court on April 1, 2003 while remanding the matter back:

"*The several questions raised in these*

*matters are covered by the decision of a Constitution Bench of this Court in Writ Petition No.317/1993-T.M.A Pai Foundation & Ors. Etc. Vs. State of Karnataka & Ors. Etc. and connected batch decided on 31st October, 2002. Since larger questions have been decided by this Court, it becomes necessary for the High Court to re-examine the matters which have been decided and which are in appeal before this Court. The orders of the High Court are, therefore, set aside without expressing any opinion on merits and the matters are remitted to the High Court for fresh consideration in accordance with law.*

*Status quo shall continue unless the High Court so decides to modify the same by an appropriate application made to it by any of the parties. The parties are at liberty to file fresh pleadings, if any, within the period fixed by the High Court. It is made clear that all statutory enactments, orders, schemes, regulations will have to be brought in confrormity with the decision of the Constitution Bench of this Court in T.M.A Pai Foundation's case decided on 31.10.2002. As and when any problem arises the same can be dealt with by an appropriate Forum in an appropriate proceeding.*

*The appeals are disposed of accordingly."*

Sh. B.L Gupta, learned counsel appearing for the respondent-University at the outset states that after the judgement of the Apex Court in T.M.A Pai Foundation & Ors. Etc. Vs. State of Karnataka & Ors. Etc., all the relevant Rules and Regulations have been amended by the University and the controversy which has been raised by the petitioners in the present case no more survives for any further adjudication.

In view of the aforesaid stand taken on behalf of the Punjab University, we dispose of the present writ petition as having rendered infructuous.

If any cause of action survives to any of the parties, it would be

at liberty to get the petition revived.

**( VINEY MITTAL )**
JUDGE

October 24, 2006
*ritu*

**( H.S BHALLA )**
JUDGE